

Interim Decision #2062

MATTER OF ZEDKOVA

In Section 203(a)(7) Proceedings

A-18049736

*Decided by Regional Commissioner November 23, 1970*

Since the term "fled" as used in section 203(a)(7) of the Immigration and Nationality Act, as amended, may reasonably be construed to include one who has avoided, abandoned or forsaken a danger or evil, it is immaterial whether the circumstances creating refugee status occurred prior or subsequent to departure from the designated country or area. Hence, an alien who departed temporarily from Czechoslovakia prior to the Communist upheaval there in August, 1968, but who because of political opinion now fears to return in view of the changed conditions in that country, is eligible for refugee classification under section 203(a)(7) of the Act, as amended.

ON BEHALF OF APPLICANT: Harold G. Grimes, Representative  
International Rescue Committee, Inc.  
386 Park Avenue South  
New York, New York 10016

This matter is before the Regional Commissioner on certification for review of the District Director's determination that the applicant is eligible for refugee classification under section 203(a)(7) of the Immigration and Nationality Act, as amended. It was further concluded that she is entitled to adjustment of status under section 245 of the Act, as amended.

The alien is an unmarried twenty-two-year-old native and citizen of Czechoslovakia who was last admitted to the United States on April 2, 1968 as a nonimmigrant visitor for pleasure until September 30, 1968. She was granted an extension of her temporary stay until March 30, 1969. Her request for a further extension was denied and she was given until May 23, 1969 to leave this country. In view of her refusal to return to Czechoslovakia, she was subsequently granted until May 23, 1970 to depart voluntarily from the United States. On July 7, 1970 she filed the instant application for adjustment of status to that of a permanent resi-